



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3012582
Council File Number: CF#311813
Applicant Name: Via Architecture for Aegis Living
Address of Proposal: 223 W Galer St

SUMMARY OF PROPOSED ACTION

Council Land Use Action to Contract Rezone 12,800 sq. ft. of land from NC2-30' to NC2-40'. Project includes a 4-story structure containing 60 assisted living units above 509 sq. ft. of street level retail and 10,000 cu. yds. of grading. Parking for 21 vehicles to be provided below grade. Existing structure to be demolished.

The following Master Use Permit components are required:

Contract Rezone – To rezone from NC2-30 to NC2-40. Seattle Municipal Code (SMC) 23.34

Design Review – SMC 23.41 with Development Standard Departures:
(As noted in the DEPARTURE MATRIX below).

SEPA Environmental Review – SMC 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

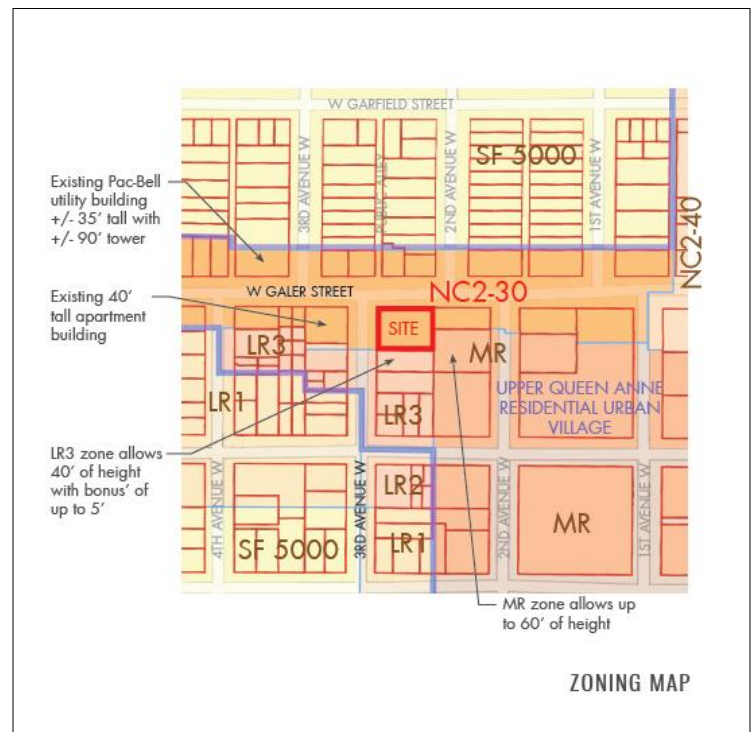
☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

BACKGROUND INFORMATION *(including Site and Vicinity)*

The proposal is the contract rezone, pursuant to SMC 23.34.004, of 12,800 s.f. of property located generally at 223 W Galer St in the Queen Anne neighborhood. The property is located at the northwestern corner of the block located between W Galer St, 3rd Ave W, W Lee St and 2nd Ave W. The site is currently zoned Neighborhood Commercial 2 with a 30 foot height limit (“NC2-30”) and is located in the Upper Queen Anne Residential Urban Village. The site is located on several zone boundaries, with Lowrise-3 zoning directly adjacent to the south of the property, and Midrise zoning located directly adjacent to the south and west of the property. Lowrise 3 allows maximum heights of 40 feet, while Midrise allows maximum heights of 75 feet. The zoning across 3rd Ave W is both NC2-30 and Lowrise-3. The zoning across W Galer St to the north is NC2-30. The proposed contract rezone would increase the height limit of the property to 40 feet but would retain the NC2 zoning designation.

The current character of the neighborhood includes a mix of apartments, condominiums, single family residences, heavy commercial uses, and lighter commercial uses. The W Galer St corridor has undergone somewhat of a transition in the past 10 years, with several popular businesses locating on W Galer St. Trader Joe’s located kitty corner from the project site approximately 10 years ago. Several popular small businesses have located near the project site include Café Fiore, Top Pot Doughnut, Molly Moon’s Ice Cream, and Via Tribunali pizza. Other commercial uses in the area include a service garage and large surface parking lot directly adjacent to the project site to the east. Multifamily residential uses are also located near to the project site, and include a 4-story apartment building (nonconforming to height standards of its NC2-30 zoning designation) to the west, and a 5-story apartment building to the southeast (conforms to height standards of its MR zoning designation).



The contract rezone is proposed concurrently with the application for a Master Use Permit with Design Review and State Environmental Policy Act (“SEPA”) components for a four-story structure containing 60 assisted living units above 509 s.f. of street level retail and 10,000 cubic yards of grading. Parking for 21 vehicles will be provided in a below grade garage. The existing on-site structure will be demolished.

Public Comments

Public comments were invited at the two Design Review public meetings and the Master Use Permit application. Comments from the Design Review meetings are noted within the Design Review process summaries which follow below.

Master Use Permit Application

The applicant revised the design and applied for a Master Use Permit with a design review component on June 15, 2012. The extended public comment period ended on August 15, 2012. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.

REZONE ANALYSIS

SMC 23.34.004 Contract rezones.

A. Property Use and Development Agreement (PUDA). The Council may approve a map amendment subject to the execution, delivery and recording of an agreement executed by the legal or beneficial owner of the property to be rezoned to self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions shall be directly related to the impacts that may be expected to result from the amendment. A rezone shall be conditioned on performance or compliance with the terms and conditions of the property use and development agreement. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The agreement shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.

The proposal is for a contract rezone in which development would be controlled by the use of a Property Use and Development Agreement (PUDA). The PUDA would restrict the development of the properties proposed for rezone to the structure approved through the Design Review process which the analysis is included below. The approved design includes, but is not limited to, the structure design, structure height, building materials, landscaping, street improvements, parking design and layout, signage and site lighting and is documented in the approved plans.

B. Waiver of Certain Requirements. The ordinance accepting the agreement may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted which would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

No waivers are being requested as part of the contract rezone.

¹ <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

SMC 23.34.007 Rezone evaluation.

- A. *The provisions of this chapter apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*
- B. *No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*

This section requires the consideration of all applicable rezone criteria with no single criterion being the determining factor. The conclusion at the end of the Rezone Analysis summarizes the detailed analysis.

- C. *Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.060.B3.*
- D. *Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.*

The project site is located within the Upper Queen Anne Residential Urban Village.

- E. *The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.*

The proposal is not located within any shoreline area.

- F. *Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.*

The proposed contract rezone is not due to cartographic or clerical mistakes in the zoning map.

SMC 23.34.008 General rezone criteria.

- A. *To be approved a rezone shall meet the following standards:*

In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

The proposal is located in the Upper Queen Anne Residential Urban Village in the Queen Anne neighborhood. The proposal will not change the permitted uses but will increase the permitted height on the property by 10 feet. The proposal will result in a minor increase in the total zoned capacity of the Upper Queen Anne Residential Urban Village and zoned density for this site. The proposed rezone is consistent with SMC 23.34.008.A.1 because the increased height does not reduce capacity below 125% of the Comprehensive Plan growth target.

The proposal is for a height increase on the site in the Neighborhood Commercial 2 zone from a 30-foot height limit to a 40-foot height limit. This increase in height would allow additional floor to ceiling heights and additional 17 residential units. The proposed residential units would contribute to an increase in zoning capacity. The Upper Queen Anne Residential Urban Village growth target is 125% of capacity.



2. *For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.*

The property is located in the Upper Queen Anne Residential Urban Village. The household growth target by 2024 is 31 households per acre, resulting in an addition of 200 households by 2024. *Comprehensive Plan, Urban Village Appendix A.*

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

The property is currently zoned NC2. No change is proposed to the NC2 zoning designation or pedestrian overlay. The only proposed change is to the height limit. As discussed in detail under the heading SMC 23.34.009 (Height Limits of the Proposed Zone), *infra*, the 40 foot height limit is appropriate to the property.

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The property has not recently been rezoned. The applicant only asks for a change in the height allowed for the zone.

The site has been part of the City of Seattle since 1860's. Under the 1923 zoning Ordinance, the site was mapped Business Commercial. The Zoning Ordinance of 1986 remapped the site Neighborhood Commercial 2/30'. There is a gap in available zoning history records so that actual dates of zoning history in the early years of Title 24 for this area are not readily available for detailed zoning changes from 1947 through the early 1980s. The current zoning of the site is NC2-30'. The site is located within the Upper Queen Anne Residential Urban Village.

D. Neighborhood Plans.

- 1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*

The City Council adopted portions of the Queen Anne Neighborhood Plan as amendments to the Seattle Comprehensive Plan by Ordinance 119403 on March 15, 1999. These portions constitute the adopted Neighborhood Plan. Other portions of the Neighborhood Plan constitute the vision and desires of the community but have not been adopted as City policy.

- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*

The proposal is consistent with the adopted Queen Anne Neighborhood Plan. Specifically, the proposal furthers the following goals and policies of the Neighborhood Plan (*Goal/Policy in italics* followed by response/analysis):

QA-G1: *Queen Anne is recognized for the uniqueness of its different neighborhoods, including the Urban Center, each with a distinctive physical characteristics and a strong sense of community.*

The project provides assisted living and memory care for seniors in the community, which strengthens the sense of family and community in Queen Anne by providing a place for our elders.

QA-G4: *Human service needs are addressed in the Queen Anne community.*

The project provides much-needed assisted living and memory care for seniors in Queen Anne.

QA-G9: *Queen Anne is a neighborhood with a vibrant and sustainable business community and safe commercial district.*

The project will contribute to the vibrancy of the businesses on Queen Anne by including new residents that will be able to safely walk to and from several small businesses in the immediate area.

QA-P1: *Seek to create and maintain attractive pedestrian-oriented streetscapes and enhance Queen Anne's community character with open space, street trees, and other vegetation.*

The project will redevelop the project site with an attractive pedestrian oriented mixed use development. The project will include improvements to the pedestrian environment, including a pedestrian plaza, voluntary setbacks, ground level retail, overhead weather protection, landscaping, and seating.

QA-P2: *Preserve the character of Queen Anne's single-family and mixed-use neighborhoods.*

As shown in the materials submitted in connection with Early Design Guidance and the application for Design Review, the project is consistent with the established character of this commercial and mixed use neighborhood and will redevelop an underutilized property.

QA-P3: *Seek to maintain and establish quality design in the Queen Anne area. Through neighborhood design guidelines and design review, consider unique or particular local design characteristics, and include consideration of signage, adjacent public ROWs, and historic boulevards.*

The project will redevelop the existing site with a high quality mixed use building, which has obtained recommendation of approval from the Design Review Board. It also complies with the community's picture perfect Queen Anne design guidelines.

QA-P5: *Encourage an attractive range of housing types and housing strategies to retain Queen Anne's eclectic residential character and to assure that housing is available to a diverse population.*

The project provides much needed memory care and assisted living units for seniors to ensure that elders can remain on Queen Anne.

QA-P9: *Enhance the unique character of each business district.*

The project is consistent with and enhances the existing character of its neighborhood.

QA-P11: *Provide for an attractive and harmonious transition between different land uses, including commercial areas and single-family areas.*

The project includes memory care and assisted living units for seniors near lowrise, midrise, and in NC2-zoned areas; a relatively low-impact use that provides a harmonious transition between NC2 and multifamily uses.

QA-P40: *Strive to provide urban character-enhancing improvements to Queen Anne's streets such as sidewalk improvements, transit facilities, landscaping, and appropriate lighting.*

The project includes urban character enhancing improvements to the streets, including the pedestrian plaza, voluntary setbacks, ground level retail, overhead weather protection, and landscaping.

QA-P41: *Seek to alleviate parking problems in the Queen Anne planning area.*

The project provides sufficient parking to meet the needs of its residences and businesses.

QA-P42: *Strive to ensure adequate facilities, such as lighting, for safety in pedestrian and parking areas in Queen Anne's business districts.*

The project will bring additional residents to the neighborhood, contributing to more "eyes on the street." In addition, the project is designed with safety in mind and will include lighting and other features as appropriate.

QA-P4: *Strive to ensure that Queen Anne's commercial areas and business districts are safe from crime.*

The project will contribute to a safe environment by bringing residents to the area and by incorporating appropriate design features.

QA-P44: *Strive to find solutions to the parking needs of Queen Anne's business districts.*

The project will include sufficient parking to meet the needs of the project tenants (staff and visitors).

QA-P45: *Seek to fill identified market gaps in Queen Anne and support locally-owned businesses and other businesses that meet the needs of the local population.*

The project will fill the current market deficit of assisted living and memory care for seniors on Queen Anne.

Conclusion: The proposed contract rezone is consistent with all applicable policies contained in the Comprehensive Plan's adopted Queen Anne Neighborhood Plan.

3. *Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*

The adopted Queen Anne Neighborhood Plan does not establish policies expressly for the purpose of guiding future rezones.

4. *If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The adopted Queen Anne Neighborhood Plan does not specifically address the rezone of the project site.

E. Zoning Principles. *The following zoning principles shall be considered:*

1. *The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*

The property is currently zoned NC2 and intends to retain its NC2 designation. The property to the west of the project site is zoned NC2-30 but is developed by a four-story apartment building. The properties across Galer Street to the north are zoned NC2-30 and are currently developed as commercial businesses (Café Fiore), office/residences, and single family residences. The property is surrounded to the south with Lowrise 3 and Midrise zoning designations. The adjacent property to the south that is zoned Lowrise 3 is currently developed as a duplex, but could redevelop in the future to a height of 40 feet if developed as apartments. SMC 23.45.514. The adjacent property to the east that is zoned NC2-30 is currently developed as a service garage with a large surface parking lot, which is a fairly heavy commercial use. The property east of and south of the project site is zoned Midrise. It is currently developed as a three story apartment building but could be redeveloped in the future to a maximum height of 75 feet. SMC 23.45.514. Consistent with the MR zone, the parcel farther southeast of the property is developed with a five story apartment building.

Thus, the proposal to add 10 feet of additional height to the property is appropriate given the multifamily and heavy commercial uses adjacent to the property, and the future zoning potential on the properties directly adjacent to the property. The 40 foot height is consistent with the current development to the west across 3rd Avenue West, and Galer Street provides an appropriate buffer between the existing uses and the NC2-30 zoned property.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
 - a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
 - b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
 - c. *Distinct change in street layout and block orientation;*
 - d. *Open space and greenspaces.*

The properties surrounding the proposal site are all zoned neighborhood commercial. The proposed 40 foot height limit provides an appropriate transition from the properties zoned LR3 (could develop to 40 feet) and Midrise (could develop to 75 feet) from those properties located across the street that are zoned NC2-30.

3. *Zone Boundaries.*

- a. *In establishing boundaries the following elements shall be considered:*
 - (1) *Physical buffers as described in subsection E2 above;*
 - (2) *Platted lot lines.*

The proposed rezone follows platted lot lines and meets the physical buffers criteria described in subsection E2 above.

- b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

The current patterns and play between residential and commercial uses will not be changed as a result of the proposal as the project seeks to retain the existing commercial zoning on the property.

Conclusion: The proposal, as designed, is consistent with the zoning principles stated above.

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. *Factors to be examined include, but are not limited to, the following:*
 - a. *Housing, particularly low-income housing;*

The project will not adversely impact housing, as none currently exists on the site. The project will provide approximately 60 new units of assisted living and memory care for seniors, which are much needed on the top of Queen Anne Hill.

b. Public services;

Public services are available to the project, which is located in a highly developed urban area. No significant adverse impacts to public services are anticipated.

c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;

There is little increase in *noise, air and water quality* impacts expected with the proposed increase in height. *Terrestrial and aquatic flora and fauna* would likely not be affected. *Glare and odor* impacts would likely not change and these are mostly associated with street level uses which would be the same regardless of structure height.

Shadowing on adjacent streets would increase with additional height. The additional story creates more shadows, but primarily in the winter months when natural sun light is scarcer. There will be no significant adverse impacts due to shadows on public spaces. The increases in shading impacts anticipated as a result of the increased height have been addressed through the Design Review and SEPA policies. Given the relationship between the building and its surroundings, the Design Review Board has not recommended any special conditions. Beyond those incorporated into the design as mitigation for the increased height. A Shadow Study is included in the submitted plan set.

Energy consumption would be increased slightly with the additional residential units. The proposed rezone, results in 17 additional residential units above the likely density that could be achieved in the NC2-30 zone.

d. Pedestrian safety;

The proposal will enhance pedestrian safety by consolidating existing driveways from the project site and providing additional residents for “eyes on the street.” The project also provides pedestrian improvements such as sidewalk widening, street trees, overhead weather protection and lighting.

e. Manufacturing activity;

There is no manufacturing activity existing or proposed at this location.

f. Employment activity;

The proposal will provide jobs in a senior living facility on the site.

g. Character of areas recognized for architectural or historic value;

There are no designated historic structures near the project site, and the project is not located in a landmark district. The project is compatible with existing and proposed development in the area.

h. Shoreline view, public access and recreation.

The proposal is not located within or near any shoreline area.

2. *Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*

a. Street access to the area;

There is no change to street access.

b. Street capacity in the area;

The project will not have a significant impact on traffic. The Transportation Impact Analysis completed for the project shows the replacement of the existing use on site results in a reduced traffic trip generation count for the parcel — resulting in 11 less total PM peak hour trips.

The surrounding streets continue to operate at adequate levels of service; levels of service will not be reduced on streets as a result of the proposal.

c. Transit service;

The project site is well served by public transit. The project will not have significant adverse impacts on transit service.

King County Metro Transit (MT) route numbers 29 and 2 have scheduled stops at W Galer St & 1st, 2nd, and 3rd Ave W adjacent to the project site. MT 2, 13, and 29 has scheduled stops at W Galer St and Queen Anne Ave N. Depending upon destination, ridership on some or all of these routes is likely to increase slightly with the proposal. Though limited parking is proposed for the building, the availability of transit service makes it likely that transit would be the preferred choice for commuting increasing ridership. Some increase in transit usage could be anticipated from the redevelopment of the site with only a small amount attributable to the rezone.

d. Parking capacity;

A parking capacity analysis was done as part of the study of the project. Peak parking demand for the project is 24 vehicles. 21 parking stalls will be provided by the project, suggesting a potential for up to 3 on-street parking spaces being needed in the surrounding neighborhood. A neighborhood parking utilization study was completed to determine the extent to which on-street parking could accommodate any parking overflow from the project. The survey showed that 150 spaces are available within 800 feet walking distance of the project site. Therefore, the potential of 3 overflow spaces could be accommodated by existing on-street parking capacity in the neighborhood.

e. Utility and sewer capacity;

Sewer Capacity:

The proposed rezone would not result in an increase in the sewer capacity; over what would be allowed to be built outright under the existing zone.

Electrical Service:

The proposed rezone would is not expected to significantly increase service load over what is allowed under the current height limit.

f. Shoreline navigation.

The project site is not located within or near any shoreline area.

Conclusion: A slightly increased demand for police and fire services is anticipated due to the net increase of 17 residential units. Other environmental impacts related to height increase would be minimal. Positive impacts include increased pedestrian safety, improvement in traffic conditions and the provision of a vibrant pedestrian streetscape. Sewer capacity needs would be minimally increased due to the rezone. Adequate parking will be provided and transit service is excellent.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.

The City Council adopted the Queen Anne Neighborhood Plan in 1999, the goals and policies of which are furthered by the project. The project presents an opportunity for redevelopment of this property with uses that complement neighborhood and provide much needed assisted living and memory care for seniors on Upper Queen Anne Hill, consistent with the desires of the neighborhood as reflected in the adopted Neighborhood Plan. The development of the project will provide numerous benefits, including 60 senior living units, street level retail, ground- and upper-level setbacks and numerous improvements to the pedestrian environment.

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

The site is not located in an overlay district.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

The project site is not located within or near any Environmentally Critical Area.

SMC 23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in commercial or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008 the following shall apply:

A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

The proposed 40-foot height limit provides a transition between adjacent 30-foot, 40-foot, and 75-foot height limits and is consistent with existing development on adjacent properties (a 5-story apartment building to the southeast and a 4-story apartment building to the west). A demand for assisted living and memory care for seniors units exists on Upper Queen Anne so elders can age in the neighborhood. The proposal does not displace a preferred use but instead provides the uses desired by the neighborhood for this area as reflected in the adopted Neighborhood Plan.

B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

There are no topographic features that would make the 40-foot height limit inappropriate. The hill gently slopes up from the project site to the west and somewhat to the north. The general area of the project proposal is flat. The proposal will not result in significant adverse view blockage impacts, as there are no real views currently.

C. Height and Scale of the Area.

1. The height limits established by current zoning in the area shall be given consideration.

As discussed above, the property is uniquely situated adjacent to a Lowrise-3 zone to the south (allows heights to 40 feet), Midrise zone to the south and east (allows heights to 75 feet), and NC2-30 zoned property to the north and west. The proposed 40-foot height limit on the property would provide a transition from the height limit across W Galer St (30 feet) to properties in the higher zones. Accordingly, the proposed height limit is consistent with the height limits established by current zoning in the area.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

The 40 foot height limit provides a transition between the predominant scale and height of existing developments nearby. Across 3rd Ave W to the west of the project is a 4-story apartment building that was built in the early to mid 20th century. To the south and east of the project site is a 5-story apartment building that was built in the mid-20th century. Existing development across W Galer St to the north is generally around 30 feet tall. The proposal to change the designation to 40 feet provides an appropriate transition from property that is developed at 30 foot heights across the street to taller properties to the south and east.

D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

The proposed 40-foot height is consistent with actual and zoned heights in the area. As discussed above, the 40-foot height limit provides a transition between the actual and zoned developments across Galer (30 feet) to the potential zoning heights and actual zoning heights (ranging from 40 to 75 feet) on the properties across Galer to the south and across 3rd Avenue West to the west.

- 2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008D2, are present.*

As discussed above, the proposed 40-foot height limit provides a gradual transition between NC2-30, LR3 (40 feet) and MR (75) zoned properties, as well as existing developments. The proposed rezone includes a modest increase of 10 feet (from NC2-30 to NC2-40) that provides this gradual transition.

E. Neighborhood Plans.

- 1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.*

The adopted Queen Anne Neighborhood Plan does not make recommendations regarding height limitations.

- 2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.*

The adopted Queen Anne Neighborhood Plan does not contain requirements regarding height limitations.

Conclusion: The proposed rezone from the NC 30-foot height limit to a 40-foot height limit fit with the function, topography and the height and scale of the area. The proposed height is compatible with development in the surrounding area. The Neighborhood Plan contains no height recommendations for the area.

SMC 23.34.072 Designation of commercial zones.

- A. The encroachment of commercial development into residential areas shall be discouraged.*

The site is currently zoned Neighborhood Commercial and would remain Neighborhood Commercial.

- B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.*

The area is not zoned Single Family and is already zoned Neighborhood Commercial.

- C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.*

The proposal does not conflict with the preferred configuration and edge protection of the residential zones as established by SMC Sections 23.34.010 and 23.34.011.

D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.

The proposal is located in the Upper Queen Anne Residential Urban Village where higher densities and intensities of uses are preferred.

E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

The proposal does not involve a new business district. The proposal seeks to improve the existing business community within the Upper Queen Anne Residential Urban Village.

Conclusion: The subject property is appropriately zoned Neighborhood Commercial.

SMC 23.34.076 Neighborhood Commercial 2 (NC2) zones, function and locational criteria.

A. Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:

1. A variety of small to medium-sized neighborhood-serving businesses;

The proposal includes approximately 509 square feet of retail space at street level. The applicant is proposing a small retail establishment at the northwest corner of the building. The storefront design echoes the rhythm of smaller commercial business in the neighborhood.

2. Continuous storefronts built to the front lot line;

The proposed design includes continuous storefront style façade built to the sidewalks along W Galer St and 3rd Ave W.

3. An atmosphere attractive to pedestrians;

By virtue of the sidewalk and vehicle access enhancements, pedestrians should experience an attractive atmosphere.

4. Shoppers can drive to the area, but walk from store to store.

Because the proposal is located in an Urban Village no parking is required. However, parking is provided within the building and is accessed from 3rd Ave W.

Conclusion: The proposal for the subject property meets all of the above function criteria and is appropriately zoned Neighborhood Commercial 2.

B. Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

- 1. Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extends for more than approximately two blocks;*

The property meets this criterion. The property is located in the Upper Queen Anne Residential Urban Village. The W Galer St commercial stretch is an extension of the Queen Anne Avenue business district. In addition, the business district extends for more than two blocks.

- 2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;*

- 1. Served by principal arterial;*

Within the study area, W Galer St is classified as a collector arterial at the site, and 3rd Ave W as a non-arterial (access street). Principal arterials are roadways that distribute traffic to collector arterials and access streets.

- 2. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;*

The subject site is located near low-density residential zones areas. However, design review has addressed the physical edge condition.

- 3. Lack of strong edges to buffer the residential areas;*

The area lacks strong edges, such as street breaks or topographical breaks, to residential areas. The project site itself is directly adjacent to Lowrise-3 zoning and Midrise zoning, which are multifamily residential designations. Single family zoning designations are located approximately ½ block to the north of the property, across W Galer St, and approximately 1.5 blocks away to the southwest.

- 4. A mix of small and medium sized parcels;*

Parcel sizes in the area are mixed. The subject property is 12,800 s.f. Parcel sizes fronting West Galer Street tend to be larger, while smaller parcels dominate the Lowrise 3 and single family areas surrounding.

- 5. Limited or moderate transit service.*

W Galer St is defined as a “frequent transit service” street. SMC 23.84A.038. It is also defined as a Minor Transit Street in the Seattle Transit Classification Map. Depending upon destination, ridership on some or all of these routes is likely to increase with the proposal. Though limited parking is proposed, the excellent availability of transit service makes it likely that transit would be the preferred choice for commuting increasing ridership. Some increase in transit usage could be anticipated from the redevelopment of the site but not the rezone.

Conclusion: The proposal for the subject property meets all of the above locational criteria and is appropriately zoned Neighborhood Commercial 2.

Summary

In summary, the proposal meets all of the functional and locational criteria of the zone and is, therefore, appropriately zoned Neighborhood Commercial 2. The proposed contract rezone is consistent with all applicable policies in the Comprehensive Plan and in the Queen Anne Neighborhood Plan. In particular, the proposal provides much-needed assisted living and memory care for seniors units on the top of Queen Anne Hill.

The proposal as designed is consistent with zoning principles that incorporate a gradual transition in height from the NC2-30 zone along W Galer St to the higher density LR3 and MR zones to the south and west of the project site that would allow zoning heights of 40 to 75 feet. In addition, the proposal is consistent with the existing character of the surrounding area, and will blend nicely with the existing 4-story apartment building to the west, and the 5-story apartment building to the southeast. The project will also provide significant pedestrian amenities and is designed in compliance with the Picture Perfect Queen Anne guidelines and Queen Anne specific design guidelines.

Impacts of the proposed height increase to surrounding area appear to minimal. Development of the site will result in an increase of 17 residential units and the anticipated increased demand for police and fire services and other environmental impacts would be minimal. Positive impacts include increased pedestrian safety, improvement in traffic conditions, the provision of a vibrant pedestrian streetscape, and the provision of additional assisted living units. The proposal results in a net reduction of traffic trips from the project site, and peak parking demand is mainly accommodated by the provided garage parking stalls, while any overflow can be accommodated by the neighborhood on-street parking, which has more than enough capacity. Positive impacts of the proposed rezone include pedestrian improvements, senior living units on the top of Queen Anne, and redevelopment of an underutilized parcel.

Sewer capacity and energy needs would not be increased notably beyond what new development could require without a rezone. Adequate parking will be provided and transit service is excellent.

RECOMMENDATION – REZONE

Based on the above analysis, the Director recommends that the proposed contract rezone to NC2-40' be **CONDITIONALLY APPROVED** subject to a Property Use and Development Agreement (PUDA) that limits the structure to be built to the design approved by the Design Review process and documented in approved plans.

ANALYSIS - DESIGN REVIEW

Architect's Presentation:

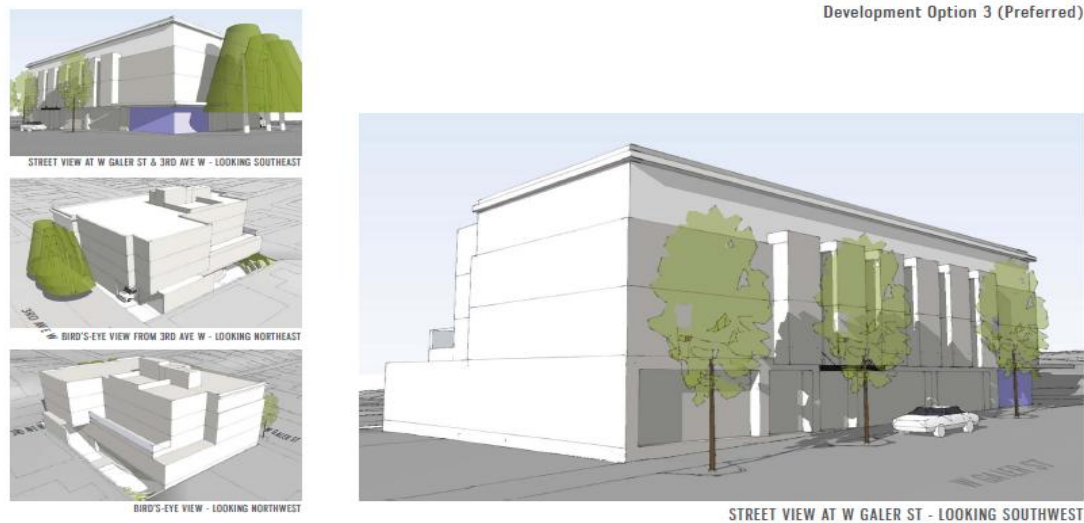
(at the Early Design Guidance meeting on October 5, 2011)

Three alternative design schemes were presented. All of the options include a retail space at the corner of 3rd Ave W and W Galer St.

The first scheme (Option A) showed a building with an internal light well, a residential entry mid-structure on W Galer St, and a loading dock on 3rd Ave W. A portion of the building shown pushed further south than in the other two schemes. A “Memory Garden” open space was shown at the second level on the south side.

The second scheme (Option B) showed the Memory Garden moved to the north side creating an upper level setback along W Galer St, no loading dock and vehicle entry from 3rd Ave W near the southern property line.

The third scheme (Option C) showed an option where the Memory Garden was moved back to the south side and the driveway and loading dock were both located on 3rd Ave W. Bay window elements were shown along W Galer St and a cornice line was incorporated above. Massing diagrams of this preferred scheme are shown below.



PUBLIC COMMENT (*at the early design guidance meeting*)

Approximately seven members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Asked for the rational for not putting vehicular access on W Galer St in the preferred scheme and was told that it would require a development standard departure and would negatively impact the commercial frontage and pedestrian environment.
- Stated that 3rd Ave W has had “a lot of traffic on it in recent months” with several trucks side swiping parked cars.
- Objected to placing the loading dock on 3rd Ave W because there would not be enough room in the roadway for maneuvering.
- Opposed removing existing street trees on 3rd Ave W as they offer privacy screening for the Coop housing building to the west....
- Encouraged designing for the context of the neighborhood.
- Concerned with about windows of the proposed windows being lined up with bedroom windows of the Coop to the west and suggested the windows be arranged so that this does not happen.

Architect's Presentation:

(at the Recommendation Meeting on October 24, 2012)

The presentation Design Team consisted of Matt Roewe, AIA, from VIA Architects.

The project has evolved slightly from the EDG meeting in response to board recommendations, as well as the natural progression of design development required for a recommendation meeting. The revised packet, enclosed and dated 10/24/2012, includes illustrations, diagrams and further text that complements the following written description of the information presented at the meeting:

1. The context, locational information and the preferred alternative (option 3) were briefly presented again to refresh the board and the public's memory of the EDG proposal. Per the board's recommendations from the EDG meeting, the primary issues included:
 - The main building entry remains on W Galer St
 - The access to the loading/below grade parking areas off 3rd Ave W
 - The preferred building massing holds the street wall against W Galer St, then steps down and sets back from the south property line.
2. In response to board's initial request for further detail, the following subjects were addressed:
 - Site Planning A1 - Exceptional trees:
 - Existing cypress trees on 3rd Ave W are not recommended street trees but do meet exceptional tree criteria.
 - SDOT has approved removal of 1 tree, 3 northernmost trees will be retained.
 - Aegis arborist indicated these are a hearty & tough species and they will tolerate moderate pruning & shoring within root zone.
 - 4 new street trees will be installed on W Galer St
 - Parking & vehicle access loading A-8: The DRB direction at EDG was to locate the driveway and loading off 3rd Ave W:
 - Keep vehicle access points off W Galer St
 - Better urban solution in this context
 - Willingness to consider a departure for a wider driveway
 - Consistent with Picture Perfect Queen Anne goals
 - Complies with the municipal code & SDOT requirements
 - A-5 Respect for Adjacent Sites: West Façade:
 - The DRB requested that the design team arrange windows on 3rd Ave W for privacy
 - Saved trees are coniferous and block/buffer neighbors to the west.
 - The building sets back from the sidewalk along 3rd Ave W allowing for landscaping buffers
 - No Aegis common activity areas are programed or planned to be on the west facing side of the building.

- B-1 Height Bulk and Scale: Some board members were concerned with the window bays crowding the sidewalk in the EDG proposal: This has been addressed by:
 - Number of bays reduced from 6 to 5
 - Bays raised up an additional floor

3. The advanced building design was presented with the following key points:

- **Overall concept:** This site presents a unique opportunity to create a prominent, activated and neighborhood friendly intersection at the crossroads of W Galer St and 3rd Ave W. In this spirit the building massing has been clearly divided into two asymmetrical components that expresses and emphasizes a strong corner element enhance in brick with a distinctive bay window. The corner element has a street width proportion that is compatible with other storefront commercial buildings in the district. The remaining Galer side elevation is simply and elegantly composed to express the residential uses on the upper floors with uniform bay windows while the street level is detailed to express a more public and commercial character. This approach reflects the following guidelines:
 - A-1 Site characteristics – responsive
 - A-2 Streetscape character compatibility
 - A-10 Corner lot addressed
 - B-2 Height bulk and scale appropriate
 - Neighborhood specific Guidelines:
 - Galer as a vibrant pedestrian street – as suggested by the QACC LURC Committee
 - Sustainability, LID, roof gardens
 - Strong focal point corners with public realm setbacks
 - Simple massing, well fenestrated
 - Break up building mass
 - Bay Windows , not Balconies
 - Individualized Storefronts
- **A4- Human Activity and C-3 Human Scale:** The street level has been composed with quality materials and articulation to allow Individualized storefronts, distinctive canopies and entries. The street side along W Galer St has also been enhanced with a 2' setback with generous plantings between widely spaced structural columns.
- **Character:** The design intent is to express a timeless character and quality that is referential to neighborhood precedents such as the Victorian Townhouses on Lee Street and other dignified mixed-use and apartment buildings in the district. At the same time the detailing will be crisp and appropriately proportioned but not overly decorative.
- **D-6 Screening Services:**
 - The loading bay has been enhances with an artistic metal gate and screening. It has also been setback from the sidewalk to allow greater maneuvering and more pedestrian safety.
 - The loading bay and the driveway entrance to the below grade parking garage has been enhanced with a metal trellis, a green screen and generous multi-season vine plantings.

- **Materials:**

- A significant amount of reddish/brown brick is used to accentuate and feature the primary corner of the building. This also includes a rustication recess effect at the ground level, a second lighter brick color at the base of the columns, header courses and masonry sills at windows openings.
- Bay windows, storefront columns and the commercial “frieze” will be painted wood trim with board and batten style multi-level paneling.
- Windows will be pre-finished storefront aluminum at the ground floor and white or beige vinyl windows on the residential floors. Windows will be surrounded with painted trim wood or cementitious trim.
- Lap siding is painted cementitious siding with a 6” exposure.
- Painted concrete block at the east property line.
- Cast in place concrete plinths along W Galer St.
- Painted steel trellis, steel and glass canopies and steel brick channel headers.

- **Landscape Design:**

- Compliments and enhances the site
- Works with preserved significant trees
- Adds new trees on Galer
- Buffering plantings and green screens near sidewalks and adjacent properties
- Accessible planted roof garden
- Meets the Seattle Green Factor requirements

PUBLIC COMMENTS *(at the recommendation meeting)*

Public comment was offered at the meeting. Members of the public gave the following comments:

- Concerns regarding large trucks hitting cars parked on 3rd Ave W
- Proposal will shade W Galer St
- Loading and parking concerns surrounding the project
- Concern about the quality of siding materials proposed to be used
- Concern about height bulk and scale
- Concern about how building will be lit at night, want to make sure that any lighting provided is consistent with the code standards
- Would like more space on W Galer St for public to sit — the planters are currently filled with planting; could be seating areas

DESIGN GUIDELINE PRIORITIES

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the [Design Review website](#).

A. Site Planning

A-1 Responding to Site Characteristics. *The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation, and views or other natural features.*

Queen Anne Supplemental Guidance:

- A. Solar Orientation
- B. Stormwater Management

At the Early Design Guidance Meeting, the Board discussed four very large Cyprus trees in the 3rd Ave N planting strip, their existing trimmed condition, the green amenity they provide and the negative influence they would have on new uses on the site and on the nature of the pedestrian area beneath them. The Board indicated it would like to see an arborist's report on the Cyprus trees to help in determining what options there might be for them in relation to the new development.

At the Final Recommendation Meeting, with regards to the Cyprus trees on the project site, the project proposes to retain 3 of the 4 existing Cyprus's. The Board was satisfied with this response.

A-2 Streetscape Compatibility. *The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

Queen Anne Supplemental Guidance:

- A. Architectural Diversity
- B. Older and Historic Buildings
- C. Wider Sidewalks
- D. Ground Level Residential
- E. Streetscape Improvement

At the Final Recommendation Meeting, the Board discussed the sidewalk spaces particularly along W Galer St. The Board wants to make sure the sidewalk spaces are usable—as this is a senior living community, there should be wide enough areas for walking for residents, as well as enough room for people from the community to walk along W Galer St. *'Life needs to be able to happen on W Galer St, and this area may need a wider sidewalk.'* The Board acknowledged that the sidewalk is 10 feet wide, and 6 feet from the planter box, which is a wide sidewalk.

The Board suggested pulling the planter on the building face back, or providing seating areas in the planting walls instead.

A-4 Human Activity. *New development should be sited and designed to encourage human activity on the street.*

Queen Anne Supplemental Guidance:

- A. Outdoor Dining
- B. Individualized Storefronts

At the Final Recommendation Meeting, see the Board responses to A-2. The Board wants to ensure that the W Galer St façade encourages comfortable human activity.

A-5 Respect for Adjacent Sites. *Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

At the Early Design Guidance Meeting, the Board stated that the placement and orientation of windows on the west façade should be developed to maximize the privacy of residents in the proposed building and in the coop multifamily building across 3rd Ave W.

At the Final Recommendation Meeting, the Board found that the Cyprus trees along 3rd Ave W, which are evergreen, will lessen the impact of privacy issues for the apartment building across 3rd Ave W. In addition, the building “holds proud” to the face of W Galer St while eroding away from adjacent properties to the south and east.

A-8 Parking and Vehicle Access. *Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.*

Queen Anne Supplemental Guidance

- A. *Parking on Queen Anne Avenue*
- B. *Access to Parking*
- C. *Preserving Existing Sidewalk Areas*
- D. *Widening Narrow Alleys*

At the Early Design Guidance Meeting, the Board indicated it preferred locating both the driveway and loading dock entrances on 3rd Ave W. It indicated a willingness to consider a departure to allow a wider driveway to aid vehicles entering and leaving the narrow roadway. The Board stated that keeping vehicle crossings off the W Galer St sidewalk creates the better urban context; one consistent the vision for the future presented in the “Perfect Queen Anne” neighborhood plan.

At the Final Recommendation Meeting, the Board reiterated its support for the driveway for loading and parking access to be located on 3rd Ave W. The board noted that the departure being sought to combine the allowed two curb cuts on 3rd Ave W (would allow 40 feet of curb cut) into only one curb cut of 25 feet wide would limit the number of deliveries that would occur to the 3rd Ave W loading area, since the size of the curb cut and the garage overhang will significantly limit the amount and size of trucks that can access the loading area.

The Board also noted that a loading area has been designated in front of the building to facilitate deliveries along W Galer St.

A-10 Corner Lots. *Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.*

Queen Anne Supplemental Guidance:

- A. *Curb Bulbs*
- B. *Intersections.*

At the Final Recommendation Meeting, while the project does not include curb bulbs at the intersection of 3rd Ave W and W Galer St, it does provide a wide plaza-like area at the corner to facilitate gathering. The retail space is also located at the corner to help enliven this area. The parking and loading access is located well away from the corner, and the building is pushed to the corner, massing its bulk and scale away from neighboring properties.

B. Height, Bulk and Scale

B-1 Height, Bulk, and Scale Compatibility. *Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.*

Queen Anne Supplemental Guidance:

- A. *Breaking Up Building Mass*
- B. *Preferred Strategies for Modulation*
- C. *Top Floor Setback*
- D. *Setbacks Where Commercial Abuts Residential*

At the Final Recommendation Meeting, the Board found that the stepping back of the building on the south and east sides is a good response to the existing height bulk and scale context. The building has been modulated with a series of bays along W Galer St that breaks up the apparent height bulk and scale of the building. The changes in materials (from brick to lap siding) also help break down the mass of the building and are in keeping with the context of Queen Anne. Finally, the elevator overruns to access the roof deck are minimal and clad in residential-type materials.

C. Architectural Elements and Materials

C-2 Architectural Concept and Consistency. *Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.*



Queen Anne Supplemental Guidance:

- A. *Individualized storefronts*
- B. *Highlighting distinctive features*
- C. *Screening rooftop systems*
- D. *Sustainable building features*

At the Early Design Guidance Meeting, the Board discussed what the building architecture should look like. Of the photographs of precedential projects shown at the meeting, the Board indicated they liked the fifth one, a flat roofed, recently constructed building. They indicated a flat roof, at least along W Galer St seems most appropriate and that a strong cornice line is an important element.

The Board considered the proposed bay window elements along W Galer St and the width, perceived width and nature of the sidewalk experience. Some of the Board members were concerned that a row of bay windows would “*crowd the sidewalk*” and detract from a wide sidewalk experience which the entire Board found to be important. The Board concluded that they were not directing that the bay windows be removed, but that they be designed to minimize their influence over the sidewalk environment, perhaps by recessing the building a bit, thereby increasing the apparent width of the sidewalk and resulting in less overhang of the property line.

At the Final Recommendation Meeting, the Board recognized the design team’s response to the Board’s previous guidance under this guideline as being an appropriate response. The roof is flat instead of gabled. The bays previously ran the length of the wall, where they now stop at the third story, reducing the overhang and giving more light and air to the sidewalk. The Board appreciated the use of materials and detailing that mirrors Queen Anne-like architecture.

C-3 Human Scale. *The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.*

Queen Anne Supplemental Guidance:

A. Pedestrian Orientation

At the Final Recommendation Meeting, the building includes overhead weather protection, retail space at the corner, residential-style detailing, window openings, and planting areas to create an appealing human scaled design.

C-4 Exterior Finish Materials. *Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

Queen Anne Supplemental Guidance:

A. Building for the Long Term

B. Cladding Materials

C. Ground Floor Façade Materials

D. Colors

E. Renewable Materials

At the Final Recommendation Meeting, the Board appreciated the mixed use of brick and lap siding materials. The Board asked that the building wrap the solid materials to the 3rd Ave W frontage and to the structured parking entry to give that side a more durable feel. The Board also asked that the lap siding actually terminate into the brick in order to make a more natural and durable transition. Finally, the Board contemplated the difference between 4” and 6” wide siding and left it up to the planner to decide what the most appropriate material was.

- C-5 Structured Parking Entrances.** The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

At the Final Recommendation Meeting, the Board appreciated the use of a trellis and a detailed gate to minimize the appearance of the parking entrance.

D. Pedestrian Environment

- D-1 Pedestrian Open Spaces and Entrances.** *Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.*

Queen Anne Supplemental Guidance:

- A. Building Setbacks for Wider Sidewalks*
- B. Creating Pedestrian Open Space*
- C. Recessed Retail Entry Areas*
- D. Avoiding Dark, Unusable Spaces*
- E. Pedestrian Weather Protection*
- F. Operable Storefront Windows*
- G. Retail Use and Open Space at Sidewalk Level*
- H. Pedestrian Amenities and Street Furniture*
- I. Bus Waiting Facilities in Buildings*
- J. Residential Entries*

At the Early Design Guidance Meeting, the Board indicated that the pedestrian environment along W Galer St needs to be a pedestrian oriented extension of the commercial district along Queen Anne Ave. The sidewalk should read a broad path and curb bulbs would be a good feature to incorporate. A building setback providing additional paved area as an extension of the public sidewalk would work effectively here. The Board indicated that an abundance of planting strip area in the sidewalk along W Galer St was not as appropriate as a more urban commercial paved sidewalk; although street trees too would be important.

The Board discussed if a departure to reduce the rear setback to allow the building to be moved away from Galer would be supported and did not reach a consensus.

At the Final Recommendation Meeting, please see the response to A-2. The Board asked for more seating options along the W Galer St frontage, as well as potentially more building setbacks, to help activate the W Galer St streetfront and to create a more usable pedestrian space.

- D-6 Screening of Dumpsters, Utilities and Service Areas.** *Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When it is not possible to locate these elements away from the street front, they should be screened from view using high-quality and compatible materials and should not be located in the pedestrian right-of-way.*

Queen Anne Supplemental Guidance:

- A. *Additional Screening near Single-family zoning*

At the Final Recommendation Meeting, the Board was satisfied with the way garbage would be dealt with and picked up from the loading area.

- D-7** **Personal Safety and Security.** *Project design should consider opportunities for enhancing personal safety and security in the environment under review.*

Queen Anne Supplemental Guidance:

- A. *Sidewalk Obstructions*
- B. *Tree Grates*
- C. *Curb Bulbs and Crosswalks*
- D. *Bus Bulbs*
- E. *Curb Cuts*
- F. *Security and Visibility*

Please see the A-2 response.

E. <i>Landscaping</i>

- E-1** **Landscaping to Reinforce Design Continuity with Adjacent Sites.** *Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

Queen Anne Supplemental Guidance:

- A. *Uniform Street Tree Plantings*
- B. *Landscape Maintenance and Irrigation*
- C. *Street-level Landscaping*
- D. *Visible Landscaping*
- E. *Art in the Pedestrian Environment*

At the Final Recommendation Meeting, the Board appreciates the fact that this project is essentially “creating a place” in an area that does not currently enjoy a redeveloped pedestrian environment. The Board endorsed the landscaping and endorsed the retention of three of the four Cyprus trees on 3rd Ave W. It appreciated the addition of street trees on W Galer St. The board asked whether the planting strips on W Galer St could be narrowed to allow for more walking room, particularly for seniors, and whether more seating could be added to the building rather than planting the planter boxes.

The Board also expressed concern about the species of screening plants on the south side of the property — hydrangeas are shown, even though these are relatively slow-growing. The board would like to see a mix of evergreen and deciduous plants back there, preferably plants that grow faster than hydrangeas.

E-2 Landscaping to Enhance the Building and/or Site. *Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.*

See E-1. The Board appreciated the addition of the trellis along the east side of the property.

E-3 Landscape Design to Address Special Site Conditions. *The landscape design should take advantage of special on-site conditions*

See E-1.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) will be based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure(s). The Board's recommendation will be reserved until the final Board meeting. Six potential development standard departures were presented with any one of the three alternative schemes requiring only four.

At the time of the Early Design Guidance meeting, the following departures were requested:

1. Vehicular access for a corner lot without an alley from other than the side street. (SMC 23.47A.032.1.c): The Code requires access to be from the side street. The applicant proposes access from W. Galer St. in one of the presented options.

The Board indicated that W Galer St would not be its preferred location for vehicular access.

2. Reduction in dimension of sight triangle. (SMC 23.54.030.G.4): The Code requires driveway sight triangle of 10 feet on a side for exiting vehicles crossing a sidewalk. The applicant proposes seven feet on a side.

The Board indicated no early indication with regard to this departure request as it would be needed only for Option 1 with a driveway on W Galer St which it did not endorsed.

3. Reduction in required side setback above 13 feet. (SMC 23.47A.014.B.2): The Code requires a 10 foot side setback for portion of a façade above 13 feet in elevation. The applicant proposes a 224 sq. ft. floor area portion of the building on each level above 13 feet to a height of 16 feet to be in the required setback.

The Board indicated a willingness to consider this departure.

4. Reduction in required rear setback above 13 feet. (SMC 23.47a.014.B.3): The Code requires a 15 foot setback from the rear lot line for portions of a structure above 13 feet in elevation. The applicant proposes an approximately 36% portion of the building to be setback 7 feet six inches with the remainder being setback further so that the average setback is greater than 15 feet.

The Board indicated it was undecided on this departure with some members favoring it and others concerned about the impact on the residential structure to the south.

5. Reduction of Loading Dock dimensions. (SMC 23.54.035.C.1 and C.2): The Code requires that among other dimensions, a loading dock in this instance must be a minimum of 14 feet tall and 35 feet deep. The applicant proposes a loading dock height of 12 feet and a depth of 25 feet.

The Board indicated support for this departure.

6. Location of residential use in relation to the sidewalk. (23.47A.008.A.3 and D.3): The Code requires the entry level of a street facing residential use to be either four feet above grade or setback 10 feet from the sidewalk. The applicant proposes two residential units to be two feet above sidewalk grade and two feet back from the property line.

The Board indicated support for this potential departure.

At the time of the Recommendation meeting the following **departure was requested and conditionally approved**. See the Boards deliberation above and the Departure Matrix below.

DEPARTURE MATRIX			
DEVELOPMENT STANDARD	DEPARTURE REQUEST/ PROPOSAL	JUSTIFICATION	ACTION
SMC 23.47A.008.B.3.a Street Level Development Standards. Non-Residential Uses Shall Extend an average of 30' and provide a minimum of 15' of depth from the street level façade.	The proposed design provides 25'-6" minimum depth for the non-residential use.	<p>The space is reduced as a result of façade being setback 2'-0" from the property line along Galer and the location of an internal stair for the building.</p> <p>The setback provides an opportunity for a landscaped planting area and wider sidewalk area along the building face, recessing and articulating the building face and enhancing the pedestrian experience. The exist stair location is a result of parking which is being provided as a concession to the neighborhood. No parking is required for residential building types in Urban Villages. Moving the stair would result in a loss of parking space. The scale of existing retail along W Galer St is very small, making this a contextually sensitive solution.</p>	The Board voted unanimously to recommend approval.

<p>SMC 23.47A.014.B.1 Setback Requirements Lots abutting a residential zone will provide a 15'x15' setback triangle along the street lot line and side lot line.</p>	<p>The design proposes a steel trellis above the parking garage entrance which encroaches into the required setback triangle.</p>	<p>The proposed trellis is intended to buffer the vehicle and loading entrances from the street as well as screen the driveway from the adjacent LR3 site. Designed to work in conjunction with the vertical green screens, landscaping is specified that will train up the green screens and onto the trellis. Additionally, the trellis is primarily open and horizontal in its projection, minimizing its apparent bulk.</p>	<p>The Board voted unanimously to recommend approval.</p>
<p>SMC 23.47A.014.B.3.a Setback Requirements 15' rear setback required for portions of structure from 13' to 40' in height when adjacent to a residential zone.</p>	<p>Proposing 7'-6" setback for a 49'-6" long portion of south façade.</p>	<p>The smaller setback is on just 39% of the rear yard. The remainder of the façade provides a setback dimension between 20' and 31'. The resulting average rear setback is 22'-10". The overall impact to the adjacent LR3 zoned property is less than the strict application of the setback requirement of 15' to all floors above 13'.</p>	<p>The Board voted unanimously to recommend approval.</p>
<p>SMC 23.47A.014.B.3.a Setback Requirements 15' side setback required for portions of structure from 13' to 40' in height when adjacent to a residential zone.</p>	<p>Proposing a 10' setback for a 19' long portion of east façade.</p>	<p>Design proposes a 10' setback along 19' (38%) of the affected portion of the east façade. The remainder of the façade provides between a 15' setback and up to 71'. The resulting average side setback is 43'-11". The overall impact to the adjacent MR zoned property is less than the strict application of the setback requirement of 15' to all floors above 13'.</p>	<p>The Board voted unanimously to recommend approval.</p>
<p>SMC 23.47A.014.B.3.a Setback Requirements 15' setback required for Portions of structure above 13'.</p>	<p>The project is proposing that a small portion of the first floor abutting the MR zone on the east facade begins the 15' setback at 15' above grade rather than 13' above grade.</p>	<p>Due to the slope of the site, it is difficult to keep this portion of the main floor below 13' above grade without costly structural vertical jogs in the post-tensioned podium slab at the second floor. The first floor plan area needing the departure is only 224 sf and it would be about 15' above grade rather than the allowed 13'.</p>	<p>The Board voted unanimously to recommend approval.</p>

<p>SMC 23.54.030.F.1.b.2 Curb Cuts For residential uses, combined curb cuts are limited to 20' of total width</p>	<p>Requesting a combined curb cut of 25' for the driveway and loading dock access.</p>	<p>The proposed design consolidates the driveway and loading dock access points to be adjacent to one another and are allowed a 20' combined curb cut for driveways serving residential uses. To better accommodate vehicle maneuvering to and from 3rd Ave W, a 25' wide combined curb cut is proposed. The net result is less impact than two separate curb cuts.</p>	<p>The Board voted unanimously to recommend approval.</p>
<p>SMC 23.54.035.C.2 Loading Berth Requirements Loading areas for a "medium demand" use are required to be 14' tall and 35' long. Assisted living is categorized as "medium demand".</p>	<p>Requesting reductions to 12' vertical clearance and 25' depth</p>	<p>Though floor to floor height is 15' from level 1 to level 2, existing grade at the loading dock location limits the available height to 12' clear. The actual delivery vehicles and aegis passenger van servicing the facility require less than 12' clear vertically and can easily park and load in a 25' deep bay. The garbage pick-up will occur at the street and does not require pulling into the bay. Since the site is so compact and the delivery needs are well known to Aegis, who operates 35 communities, a medium demand loading area isn't necessary. The existing street truck loading zone on W Galer street will be maintained and will be used for any larger deliveries.</p>	<p>The Board voted unanimously to recommend approval.</p>

BOARD RECOMMENDATIONS

The recommendation was based on the design review packet and the presentation by the applicant at the October 24th, 2012 Design Recommendation Meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, three (all those present) of the Design Review Board recommended **APPROVAL** of the subject design.

DIRECTOR'S DECISION — *Design Review*

The Board's recommendation was based on the design review packet and the presentation by the applicant at the Design Review meetings. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, (all those present) of the Design Review Board recommended **APPROVAL** of the subject design.

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed recommendations, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

The Director of DPD has reviewed the recommendations of the Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Buildings, and is consistent with SEPA requirements or state and federal laws.

Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design with the conditions summarized at the end of this Decision.

CONDITIONS

Design Review conditions are listed at the end of this report.

ANALYSIS – SEPA

The proposal includes a contract rezone of 12,800 sq.ft. of property from NC2-30 to NC2-40, and a project containing 60 units of assisted living and memory care for seniors (assisted living units) and 21 below grade parking stalls. The proposal includes the demolition of on-site structures, and will include grading/excavation of 10,000 cubic yards of material. Thus, the application is not exempt from SEPA review. Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Chapter 25.05 SMC) because the proposal is located in a Residential Urban Village and exceeds the exemption threshold of 4 dwelling units and grading levels.

This analysis relies on the ***Environmental (SEPA) Checklist*** for the proposed development submitted by the applicant which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

Short-Term Impacts

The following temporary construction-related impacts are expected: temporary soils erosion; temporarily decreased air quality due to dust and other suspended air particulates during construction and demolition; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). Although not significant, these impacts may be adverse, and in some cases, mitigation is warranted.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise and construction traffic warrant further discussion.

Earth

The project will require excavation and DPD anticipates further study and design associated with the grading and construction permits. DPD geotechnical staff indicates that existing Codes (Grading and Drainage Control Ordinance, SMC 22.800) provide authority to require appropriate mitigation for this project, and that no specific conditioning is warranted in this regard.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust and truck loads and routes will be monitored to minimize dust-related impacts.
- Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.
- Using electrically operated small tools in place of gas powered small tools wherever feasible.
- Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.

These and other construction and noise management techniques shall be included in the Construction Impact/ Noise Impact Management Plan to be submitted for approval prior to issuance of construction permits.

Environmental Health

State law provides for the cleanup and appropriate disposal of hazardous substances. The Model Toxics Control Act (WAC 173-340) is administered by the Washington Department of Ecology (DOE) and establishes processes and standards to identify, investigate, and clean up facilities where hazardous substances have come to be located. DPD alerts the applicant to this law and provides a contact: Joe Hickey, DOE, (425) 649-7202.

Discharge of contaminated groundwater to the sewage system is regulated by the King County Department of Natural Resources under Public Rule PUT 8-14. A factsheet and permit application is available online or by calling (206) 263-3000.

Disposal of contaminated fill is regulated by the City/County Health Department, contact: Jill Trohimovich, (206) 263-8496.

Existing regulations adequately address potential impacts to environmental health. In addition, there is no evidence of environmental health issues on the project site. No further conditioning of site cleanup or hazardous waste treatment is warranted pursuant to SEPA policies.

Construction Noise

As redevelopment proceeds, noise associated with demolition/construction activities at the site could adversely affect the surrounding residential/commercial uses. However, the limitations of the Noise Ordinance are found to be adequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), no mitigation other than compliance with the Construction Noise Ordinance is warranted.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. In addition, most of the commercial uses in the surrounding area include enough on-site parking such that street parking is not an issue. Construction parking impacts will be insignificant and therefore SEPA mitigation of parking impacts during construction is unwarranted.

Traffic and Circulation

Site preparation would involve removal of the existing structure, pavement, and excavation for the foundation of the proposed building and below grade parking garage.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with the removal of the existing building and excavation for the foundation of the proposed building will be of short duration and mitigated in part by enforcement of SMC 11.62. This immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675 B (Construction Impacts Policy) and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the export/import of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations. Assuming contractors use double loaded trucks to export/import grade/file material, with each truck holding approximately 20 cubic yards of material, thus requiring approximately 500 truckloads (1,000 trips) to remove the excavated material.

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cause truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC 11.62.

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Streets and Sidewalks

The proposed on-site demolition, excavation and construction are controlled by a demolition/building permit, separate from this Master Use Permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, so mitigation is not required pursuant to SEPA.

Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale of building in some areas of the site; increased light and glare from exterior lighting, increased noise due to increased human activity; increased demand on public services; increased traffic on adjacent streets; increased on-street parking, and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion (noted below).

The likely long-term impacts are typical of this scale of mixed use development, and DPD expects them to be mitigated by the City's existing codes and/or ordinances (together with fulfillment of Seattle Department of Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, light, traffic, setbacks, parking) the Seattle Energy Code (long-term energy consumption), and the Street Use Ordinance. However, more detailed discussion of some of these impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires provisions for controlled release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not significant, so do not require mitigation pursuant to SEPA.

Land Use

The proposed project includes a Council Action to rezone the subject site from NC2P-40 to NC2P-65. See the **REZONE ANALYSIS** at the beginning of this report.

Height, Bulk, and Scale

SMC 25.05.675.G.2.c states, "*The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.*"

The site is surrounded by properties that are similarly zoned. The Design Review Board considered issues of height, bulk and scale in its review of this project and unanimously recommended approval of the project design. The proposed structure is located on an NC2-40 zoned site, and the structure conforms to zoning requirements, including height and bulk. No additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Light and Glare

The checklist discusses the project's potential light and glare effects on the surrounding area. The proposed project exterior design emphasizes a sympathetic arrangement of glazing and materials on the facades. Lighting will be downshielded but will provide enough light in the evening to provide a safe environment. DPD therefore determines that light and glare impacts are not substantial and warrant no further mitigation per SMC 25.05.675.K.

Vehicle Parking Demand

The site is currently occupied by a 10,900 sq.ft. commercial building containing four different tenant spaces. Uses include both warehouse and office space. Only 4 vehicle spaces are provided on-site, located on the north frontage of the building, access directly off W Galer St. Total daytime employment on-site has historically varied. The latest information from the existing on-site tenants indicates that 58 daytime employees are associated with the business in the existing building.

A parking analysis was completed for the project. The peak parking demand was estimated based on data provided in the Institute of Transportation Engineers' (ITE's) Parking Generation report documenting average parking demand for the assisted living use. Based on the study, peak parking demand for the site would be 24 vehicles. The project provides 21 stalls, resulting in parking overflow of 3 stalls. A neighborhood parking utilization study was completed to determine whether neighborhood on-street parking demand could accommodate overflow parking demand. The study concluded that on an average weekday, 150 spaces would be available within an 800 foot walking distance of the site, to accommodate the potential parking spillover of three vehicles. The parking study also noted that the 150 on-street spaces include spaces designated in a Residential Parking Zone (RPZ), which only restrict long-term parking. However, even if the RPZ spaces were entirely removed from consideration of available parking supply, 69 spaces would be available for use by the three potential overflow vehicles for parking.

Table 2. Estimated Weekday Peak Parking Demand

Land Use	Size	Rate	Peak Parking Demand (vehicles)
<u>Proposed Land Use</u>			
Assisted Living Facility (ITE Land Use 254)	57 units	0.41	24
<u>Less Existing Land Use</u>			
Warehouse (ITE Land Use #150)	10 Emp	0.78	8
Office (ITE Land Use #701)	48 Emp	0.83	40
<i>Total</i>			<i>48</i>
Net New Parking Demand			-24

Based on the availability of parking supply both in the project and on-street, no significant adverse parking impacts are anticipated to result from the project, and no mitigation of parking impacts is warranted or required according to SMC 25.05.675.M.

Traffic and Transportation

A transportation impact analysis was completed for the project. To estimate the proposal's trip generation, weekday daily and PM peak hour person trip rates were estimated for the proposed land uses. Vehicle trip rates were determined using the ITE Trip Generation, 9th Edition. The number of trips generated by the proposed senior living use was then adjusted to account for the number of trips

generated by the existing use on site to determine the impact of the proposal. The proposal would generate approximately 160 vehicular weekday trips, with 17 trips occurring during the weekday PM peak hour. The existing site uses generate approximately 198 vehicular weekday trips, with 28 occurring during the PM peak hour. Thus, the proposal would generate 38 less daily weekday trips and 11 less PM peak hour trips than the existing on-site uses.

Trip distribution patterns in and out of the project site were also examined. The substantial majority of PM peak hour trips in and out of the garage will orient immediately to the north, to access Galer Street, which provides the most direct and uninterrupted access to other destinations. With the project, all intersections studied by the transportation impact analysis will continue to operate under acceptable levels of service following construction and occupancy of the project. No mitigation is warranted pursuant to SMC 25.05.675.R.

The transportation analysis included analysis of service vehicles that will access the site. Service vehicles that will access the site include the Aegis Passenger Van, food delivery trucks, office supply delivery trucks, garbage/recycle trucks, and resident moving vehicles. First the report analyzed movements of the Passenger Van, which will park in the below-grade garage when not in use. It will be used about one time per day. The driveway on 3rd Ave W was analyzed to ensure that the turning movements of the van into the garage will be accommodated by the driveway and street width and would be able to be conducted in a safe manner. The report concluded that this movement would indeed be safe. Second, the report analyzed delivery trucks. Approximately four truck deliveries are anticipated each week. Truck deliveries will occur in an on-street loading space on W Galer St, as 3rd Ave W does not accommodate delivery trucks. The on-street delivery space safely accommodates delivery vehicles expected to visit the site. Finally, resident moving activities were analyzed. Moves happen infrequently, approximately one to two times per week. Move ins and outs may stage either in the parking garage or in the on-street loading zone. Both areas are adequate to accommodate these activities. No significant adverse impacts to pedestrian or vehicular safety are anticipated as a result of truck activities associated with the site. Therefore, no mitigation is warranted pursuant to SMC 25.05.675.R.

Other Impacts

Several codes adopted by the City will appropriately mitigate the use-related adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

The proposed action is **APPROVED WITH CONDITIONS.**

RECOMMENDED CONDITONS – REZONE

1. Approval of this contract rezone is conditioned subject to a Property Use and Development Agreement (PUDA) that limits the structure to be built to the design approved by the Design Review process and documented in approved plans.

CONDITIONS – SEPA

During Demolition, Excavation, and Construction

2. For the duration of the removal of the existing building, excavation of materials, and delivery of construction materials; the owner(s) and/or responsible party(ies) shall cause truck trips to and from the project site to cease during the hours between 4 PM and 6 PM on weekdays.

CONDITIONS-DESIGN REVIEW

Prior to Issuance of Building Permit

3. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner assigned to the project.
4. Compliance with all images and text on the MUP drawings, as modified by this decision and approved by the Land Use Planner, shall be verified by the Land Use Planner assigned to this project. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that substantial compliance has been achieved.

Prior to Issuance of a Permanent Certificate of Occupancy

5. The applicant shall arrange for an inspection with the Land Use Planner to verify that the construction of the buildings with, sitting, materials, and architectural details is substantially the same as those documented in the approved/issued plans.

Signature: _____ (signature on file)
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

Date: January 7, 2013